

Washington State Potato Commission

108 Interlake Road, Moses Lake WA 98837

Phone: 509-765-8845 Fax: 509-765-4853

MEMO

To: EPA OPP Docket #: OPP-2002-0231

From: Andrew Jensen, Ph.D.
Director of Research & Technical Affairs

RE: EPA OPP Docket #: OPP-2002-0231
FIFRA Section 18 Pilot Program

The following are comments from the Washington State Potato Commission (WSPC) on EPA's proposed Section 18 Pilot Program for 2003. Our comments are divided into three sections to reflect the three foci of the Federal Register Notice from April 24, 2003, and are directed at the structure of the proposed changes as it relates to any eventual final rule.

1. Streamlined Application Process for Select Repeat Requests

The need for improvements in this area is clear. The current requirements of submitting full requests in second and following years for identical conditions are certainly in need of change. The process laid out in the Guidance Document is largely appropriate and sound. Allowing the State (always the "applicant" in our case) to re-certify that the emergency situation continues to exist is ideal.

We are concerned, however, with the requirement of submitting full applications in year 4 and beyond. While progress toward registration is a laudable pursuit, holding repeat requests beyond year 4 to such a standard may unfairly penalize the most important beneficiaries of the Section 18 process – the growers. In addition, imposing this requirement of full applications based on the registration status of the product in EPA seems arbitrary.

One of the most important intended beneficiaries of the Section 18 process is the grower community. Growers (i.e. our constituents) have little influence over the registration of pesticides in EPA – a process that is controlled by the Agency and the registrant. Especially in the case of a minor crop, a registrant may not make a high priority of registration of a product currently used under Section 18. As I understand the current registration process in EPA, if a registrant does not select a product for its highest registration priority, EPA may not place it on a work plan. Clearly growers of a minor crop or minor use have little influence over the business decisions of the registrants. Even when a product is placed on an EPA work plan, it may or may not work through the process in a timely manner. Grower groups in need of a Section 18 product should not be held hostage or made to jump through additional hoops based on the actions or inactions of the Agency or the registrant.

The requirement of a full application in year 4 and beyond is not adequately explained at this point, and seems arbitrary and punitive. From the perspective of the group actually needing the Section 18 product, the growers, the real criterion that EPA should evaluate is, does the pest

emergency still exist? This should encompass both the presence and status of the pest, and the availability of alternative pesticides. Having established that these two issues still warrant the status of emergency, the issue of progress toward registration would seem to be a matter to be worked out between the Agency and the registrant.

To summarize, the WSPC feels that the proposed streamlining of the repeat requests is a huge step in the right direction. Our concerns revolve around the potentially unfair and arbitrary nature of the full applications in year 4 and beyond.

2. Alternative Means of Supporting “Significant Economic Loss”

This aspect of the pilot would also be a great improvement to the Section 18 application process. The WSPC supports the 3-tiered approach to the Significant Economic Loss issue. It is also important for the Agency to allow for “other considerations” as described in the guidance document.

3. Resistance Management Exemptions

The principal of allowing Section 18 exemptions based on resistance management is strongly supported by the WSPC. Further, we think that the bar for pesticide resistance should be low, to allow for pest management in risky situations as well as obvious cases of pesticide resistance. For example, it would be prudent to allow exemptions under Section 18 in cases where the pest is controlled with a single effective product, and that pest has shown documented resistance to that pesticide anywhere in the world. In other words, prevention of resistance should be as valid a reason for an exemption as documented resistance in that state or region.

Similarly, the Agency should be open to granting exemptions in cases where the pest in question is controlled with a particular pesticide, and a closely related species has been documented to develop field resistance to that pesticide. For example, the potato crop is affected by the Colorado potato beetle, a member of the family Chrysomelidae. Documented field resistance by this species to a particular pesticide ought to be a valid reason to consider an exemption for another chrysomelid in another crop.

Finally, we feel that the Agency should weigh very heavily arguments of cross resistance. In potatoes we face the widespread use of two neonicotinoid insecticides for control of green peach aphid and Colorado potato beetle (imidacloprid and thiamethoxam). Registrations for other neonicotinoids are expected in coming years. It is possible that the industry could come to a reliance on this class of chemistry to control either or both pests. Given the huge potential for cross resistance within this class of insecticide, we feel that management of cross resistance is essential. The Section 18 process will certainly sometimes be the only option for growers to escape the use of a certain class of pesticide to control a pest.